

After reviewing the record and considering the arguments of the parties, the Appeals Board finds and concludes that the Award by Administrative Law Judge David A. Shufelt, granting claimant benefits based upon a 40 percent permanent partial general disability, should be affirmed. The Appeals Board hereby adopts as its own the findings of facts and conclusions stated in the Award of December 7, 1995.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge David A. Shufelt should be, and the same is hereby, affirmed.

AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDINGS IN FAVOR of the claimant, Don N. Shay, and against the respondent, Lane County, and its insurance carrier, EMC Insurance Company, for an accidental injury which occurred July 22, 1992, and based upon an average weekly wage of \$377.95, for 46.57 weeks of temporary total disability compensation at the rate of \$251.98 per week or \$11,734.71, followed by 368.43 weeks at the rate of \$100.79 per week or \$37,134.06 for a 40% permanent partial general body impairment of function, making a total award of \$48,868.77.

As of April 26, 1996, there is due and owing claimant 46.57 weeks of temporary total disability compensation at the rate of \$251.98 per week or \$11,734.71, followed by 149.72 weeks of permanent partial disability compensation at the rate of \$100.79 per week in the sum of \$15,090.28, for a total of \$26,824.99 which is ordered paid in one lump sum less any amounts previously paid. The remaining balance of \$22,043.78 is to be paid for 218.71 weeks at the rate of \$100.79 per week, until fully paid or further order of the Director.

Pursuant to K.S.A. 44-536, the claimant's contract of employment with his counsel is hereby approved.

Fees necessary to defray the expenses of administration of the Workers Compensation Act are hereby assessed against the respondent to be paid direct as follows:

Underwood & Shane	
Transcript of Regular Hearing	\$230.50
Deposition of C. Reiff Brown, M.D.	\$259.50
Kelley, York & Associates, Ltd.	
Deposition of Blake Veenis, M.D.	\$349.30
Deposition of Ernest Schlachter, M.D.	\$278.50
Deposition of Paul Stein, M.D.	\$156.30

IT IS SO ORDERED.

Dated this ____ day of April 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: James B. Zongker, Wichita KS
Richard L. Friedeman, Great Bend KS
David H. Farris, Wichita, KS
David A. Shufelt, Administrative Law Judge
Philip S. Harness, Director